) Fr DAC 6573-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Robert H. WAKE et al.

Serial No.: 09/816,375

Filed: March 26, 2001

For: DETECTOR ARRAY FOR USE IN A

LASER IMAGING APPARATUS

Group Art Unit: 2878

Confirmation No.: 8364

Petitions Office

Renewed Petition Pursuant to 37 C.F.R.§1.181(a)

Honorable Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, Virginia 22313-1450

Attention: Petitions Office

Petitions Examiner: Paul Shanoski

Dear Sir:

On March 17, 2008, Office of Petitions mailed a Decision on Petition Pursuant to 37 C.F.R.§1.181.

The following is a Renewed Petition Pursuant to 37 C.F.R.§1.181(a).

The undersigned did not receive the Office communication mailed on November 26, 2001. The required response to the Office communication would have been payment of the Issue Fee on or before February 26, 2002. The undersigned, after making a search of the file jacket and the docket sheets for February 2002, did not find the Office communication nor an indication that it was received.

(10)

Serial No.: 09/816,375

Attached hereto at Appendix A is a declaration of Nita Santiago, the firm's docket clerk, declaring that she reviewed the docket sheets for February 2002, where the Notice of Allowance would have been docketed, and did not find an entry for the above-identified application for February 26, 2002.

On obtaining copies of the Official file wrapper on or about May 8, 2002, the undersigned noted that there were two sets of the following papers:

Part B-Fee(s) Transmittal

Determination of Patent Term Adjustment Under 35U.S.C.154(b)
Notice of Allowability

Examiner's Amendment

One set is set out at Appendix B and the other at Appendix C. Two of the papers at Appendix B, Part B-Fee(s) Transmittal and the Determination of Patent Term Adjustment Under 35 U.S.C.154(b), have handwritten initials "HM" and stamped markings "Match and Return," while the corresponding papers at Appendix C do not have such markings. Further, the Examiner's Amendment at Appendix B bears no markings, while the Examiner's Amendment at Appendix C shows handwritten notations, such as "FILE COPY," "#5/B," the Examiner's initials, "11/15/01" and checkmarks at each line of amendment.

The undersigned believes that the papers at Appendix B were returned to the USPTO as undeliverable. The undersigned believes that the initials "HM" and the markings "Match and Return" were made in the USPTO mail room after the papers were returned by the

Serial No.: 09/816,375

Post Office. Further, the undersigned believes that the existence of two sets of the same papers, each set with different markings, can only be explained by the fact that one set was returned to the Office as undeliverable and then placed back in the file wrapper.

In view of the above, it is asserted that the required showing to establish nonreceipt of the Notice of Allowance has been met. It is respectfully requested that the Notice of Abandonment be withdrawn and the Notice of Allowance re-mailed with the period running for paying the Issue Fee beginning with the date of re-mailing, pursuant to MPEP §711.03(C)II and 707.13.

It is believed that no fee is due; however, should that be incorrect, please charge Deposit Account No. 19-2105 and inform the undersigned.

Respectfully submitted,

Date: 4/7/2008

Josefino P. de Leon

Reg. No. 33,166

Attorney for Applicants

SHLESINGER, ARKWRIGHT & GARVEY LLP 1420 King Street, Suite 600 Alexandria, Virginia 22314 (703) 684-5600 lm

APPENDIX A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Robert H. WAKE et al.

Serial No.: 09/816,375

Filed: March 26, 2001

For: DETECTOR ARRAY FOR USE IN A

LASER IMAGING APPARATUS

Group Art Unit: 2878

Confirmation No.: 8364

Petitions Office

DECLARATION

Honorable Commissioner of Patents and Trademarks P.O. Box 1450 Alexandria, Virginia 22313-1450

Attention: Petitions Office

Petitions Examiner: Paul Shanoski

Dear Sir:

I, Nita Santiago, am the docket clerk for the law firm of Shlesinger, Arkwright & Garvey LLP since about 1991.

The patent and trademark mails are given to me daily for docketing.

I reviewed the docket sheets for February 2002 where I would have made an entry for the above-identified application for the Notice of Allowance with the due date of February 26, 2002.

My review of the docket sheets for February 2002 did not show an entry for the above-identified application for February 26, 2002. Attached hereto is a copy of the February 2002 docket sheets.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under \$1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: april 7 2008

Nita Santiago-Marton

SHLESINGER, ARKWRIGHT & GARVEY LLP 1420 King Street, Suite 600 Alexandria, Virginia 22314 (703) 684-5600 lm

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APPENDIX B

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INTED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	. CONFIRMATION NO.
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-	ARKWRIGHT & GA	RVEY LLP	LEB, JO	OHN R
ARLINGTON, V		•	ART UNIT	PAPER NUMBER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

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Page 3 of 3

Change of correspondence address (or Change of Correspondence Address farm FTO/SB/122) stached. O Teo Address Indication (or "Fee Address" Indication form PTO/SB/47) stached. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless on assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USFTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filling an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY) PRESSENCES OF A Check in the amount of the fee(s) is enclosed. O have Fee O Payment by credit card. Form PTO-2038 is attached. O Pto Commissioner is before the card. O Pto Commissioner is before the card. O Pto								
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Any reply to this notice should include, in the upper right han applicant has received a Notice of Allowance and Issue Fee DALLOWANCE should also be included.					VIBER). II
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Notice of References Cited, PTO-892		,		• •	
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Notice of Draftsperson's Patent Drawing Review, PTO-6			•		•
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Examiner's Statement of Ressons for Allowance					
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Serial Number: 09/816,375 Art Unit: 2878

-2-

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Josefino P. de Leon November 12, 2001. The following changes were authorized to the specification:

On page 2, line 10, "sophisticates" was changed to -sophisticated-;

On page 3, line 5, --.-was inserted after the word "chamber";

On page 3, line 22, the "," was changed to a --.-;

On page 4, line 1, "of" was canceled:

On page 4, line 7, "Thorough" was changed to -Through-;

On page 4, line 23, "a" was changed to -an-;

On page 8, line 4, the phrase -now U.S. Patent No. 5,692,511,- was inserted after

"1995,"; and

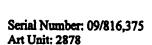
On page 10, line 25, "passes" was changed to --pass--.

The following changes were authorized to the claims:

In claim 15, line 1, "a" (second occurrence) was changed to --an-;

In claim 15, line 3, -a- was inserted after the word "of";

In claim 15, line 7, the word "sensors" was changed to -detectors-;



-3-

In claim 15, line 12, —an— was inserted after the word "with";

In claim 16, line 2, —a— was inserted after the word "of";

In claim 17, line 2, —a— was inserted after the word "of";

In claim 18, line 2, the word "sensors" was changed to —detectors—;

In claim 19, line 2, the word "sensors" was changed to —detectors—;

In claim 20, line 2, the word "sensors" was changed to —detectors—;

In claim 21, line 2, the word "sensors" was changed to —detectors—;

In claim 22, line 2, the word "sensors" (both occurrences) was changed to —detectors—;

In claim 23, line 2, the word "sensors" (both occurrences) was changed to —detectors—;

In claim 23, line 2, the word "sensors" (both occurrences) was changed to —detectors—; and

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance:

Claims 15 is allowed because the prior art failed to teach of fairly suggest a method for collecting light exiting from an object being scanned with a light source comprising the steps of: providing a source of a laser beam, directing the laser beam toward the object, orbiting the laser beam around the object, providing a plurality of detectors adapted to simultaneously detect the laser beam after passing through the object, and restricting the field of view of each detector so that each detector only sees its own patch of surface of the scanned object, each patch not overlapping with an adjacent patch. Claims 16-26 are allowed by virtue of their dependency.

Serial Number: 09/816,375 Art Unit: 2878

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Lee whose telephone number is (703) 308-4116. Inquires of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

John R. Lee Primary Examiner T.C. 2800

jrl 11/15/01

APPENDIX C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Tradomark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,375	03/26/2001	Robert H. Wake	6573-3	8364
75			EXAMINE	R
SHLESINGER, A 3000 SOUTH EAD	ARKWRIGHT & GARV S STREET	EY LLP	LEE, JOH	N R
ARLINGTON, VA	22202		ART UNIT	PAPER NUMBER
			2878	
			DATE MAILED: 11/26/2001	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE Assistant Commissioner for Patents Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

11/26/2001

SHLESINGER, ARKWRIGHT & GARVEY LLP 3000 SOUTH EADS STREET ARLINGTON, VA 22202

Note: The certificate of mailing below can only be used for domestic mailings of the Fec(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Fee(s) Transmittal is being deposited with the
United States Postal Service with sufficient postage for first class mail in an
envelope addressed to the Box Issue Fee address above on the date

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,375	03/26/2001	Robert H. Wake	6573-3	8364

TITLE OF INVENTION: DETECTOR ARRAY FOR USE IN A LASER IMAGING APPARATUS

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
12	nonprovisional	YES	\$640	\$300	\$940	02/26/2002
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignce is identified below, no assignce data will appear on the patent. Inclusion of assignce data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment. (B) RESIDENCE: (CITY and STATE OR COUNTRY) (A) NAME OF ASSIGNEE

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Please check the appropriate assignee category	or categories (will not be printed on the patent)	□ individual	a corporation or other private group enti	ity O governmen			
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☐ Issue Fee	A check in the amount	of the fee(s) is end	losed.				
□ Publication Fee	Payment by credit card	. Form PTO-2038	is attached.				
Advance Order - # of Copies	The Commissioner is h Deposit Account Number	☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpay Deposit Account Number(enclose an extra copy of this form).					
The COMMISSIONER OF PATENTS AND T	FRADEMARKS is requested to apply the Issue Fee	and Publication F	ce (if any) to the application identified ab	ove.			
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depending on the needs of the individual case	ted to take 0.2 hours to complete. Time will vary e. Any comments on the amount of time required Chief Information Officer, United States Patent 0231, DO NOT SEND FEES OR COMPLETED EES AND THIS FORM TO: Box Issue Fee, gton, D.C. 20231						
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APPLICATION NUMBER	

FILING DATE

FIRST NAMED APPLICANT '

ATTORNEY DOCKET NO.

EX	AMINER

DATE MAILED:

This is a communication from the examiner in charge of this application. COMMISSIONER OF PATENTS AND TRADEMARKS
NOTICE OF ALLOWABILITY
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. This communication is responsive to the divisional application filed and 1566.
The drawings filed on $3/26/0$ are acceptable as formal drawings.
Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
☐ All ☐ Some* ☐ None of the:
Certified copies of the priority documents have been received.
Certified copies of the priority documents have been received in Application No.
Copies of the certified copies of the phonty documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:
Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).
Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
☐ Applicant MUST submit NEW FORMAL DRAWINGS
because the originally filed drawings were declared by applicant to be informal.
including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No
including changes required by the proposed drawing correction filed on, which has been approved by the examiner.
including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.
☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.
Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.
Attachment(s)
Notice of References Cited, PTO-892
Information Disclosure Statement(s), PTO-1449, Paper No(s).
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
Notice of Informal Patent Application, PTO-152

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Serial Number: 09/816,375

Art Unit: 2878

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Josefino P. de Leon November 12, 2001. The following changes were authorized to the specification:

On page 2, line 10, "sophisticates" was changed to --sophisticated--;

On page 3, line's, ----was inserted after the word "chamber";

On page 3, line 22, the "," was changed to a --,--;

On page 4, line-1, "of" was canceled;

On page 4, line7, "Thorough" was changed to --Through--;

On page 4, line 23, "a" was changed to --an--;

On page 8, line 4, the phrase -- now U.S. Patent No. 5,692,511,-- was inserted after

"1995,"; and

On page 10, line 25, "passes" was changed to --pass--.

The following changes were authorized to the claims:

In claim 15 line 1, "a" (second occurrence) was changed to --an--;

In claim 15 line 3, --a-- was inserted after the word "of";

In claim 15 line 7, the word "sensors" was changed to --detectors--;

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Serial Number: 09/816,375

Art Unit: 2878

In claim 15, line 12, --an-- was inserted after the word "with";

In claim 16, line 2, --a-- was inserted after the word "of";

In claim 17, line 2, --a-- was inserted after the word "of";

In claim 18, line 2, the word "sensors" was changed to --detectors--;

In claim 19, line 2, the word "sensors" was changed to --detectors--;

In claim 20, line 2, the word "sensors" was changed to --detectors--;

In claim 21, line 2, the word "sensors" was changed to --detectors--;

In claim 22, line 2, the word "sensors" (both occurrences) was changed to --detectors--;

In claim 23, line 2, the word "sensors" (both occurrences) was changed to --detectors--;

In claim 23, line 2, "fo" was changed to --of--.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance:

Claims 15 is allowed because the prior art failed to teach of fairly suggest a method for collecting light exiting from an object being scanned with a light source comprising the steps of : providing a source of a laser beam, directing the laser beam toward the object, orbiting the laser beam around the object, providing a plurality of detectors adapted to simultaneously detect the laser beam after passing through the object, and restricting the field of view of each detector so that each detector only sees its own patch of surface of the scanned object, each patch not overlapping with an adjacent patch. Claims 16-26 are allowed by virtue of their dependency.

Serial Number: 09/816,375

Art Unit: 2878

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Lee whose telephone number is (703) 308-4116. Inquires of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

John R. Lee Primary Examiner

T.C. 2800

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